



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,793	12/28/2001	Yoshio Itoi	217900US2X	3084
22850	7590	11/30/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ZEENDER, FLORIAN M	
		ART UNIT	PAPER NUMBER	
		3627		

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/028,793	ITOI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	F. Ryan Zeender	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 September 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 25-29 and 31-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 25-29 and 31-47 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 December 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 38, line 4, the terminology, "provided one for a plurality of said first storage places" is not clearly understood. In claim 45, lines 3-4, the terminology, "provided one for a plurality of said first storage places" is not clearly understood. In claim 47, line 4, the terminology, "provided one for a plurality of said first storage places" is not clearly understood.

### ***Claim Rejections - 35 USC § 103***

Claims 25-29 and 31-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Mugita article, "ECO-BUSINESS AND REVERSE LOGISTICS", in view of Suzuki et al. '858 and an obvious design choice.

Mugita discloses a process of a plurality of enterprises mutually exchanging post-consumer merchandise of other enterprises, which are collected when each enterprise sells their own merchandise, and taking back the enterprise's own merchandise, wherein at the time of the exchange, an exchanging center is utilized.

Mugita lacks the specific type of information processing.

Suzuki et al. teach that it was well known in the art at the time of the invention to utilize information processing with a goods recycling system.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mugita to include information processing, as taught by Suzuki et al., in order to make it "possible to collect, process and furnish speedily a variety of information required for the processing or treatments of the discarded articles (See Suzuki et al., Col. 1, line 65 – Col. 2, line 3); the specific type of processing being a matter of design choice in order to achieve a desired result.

***Response to Arguments***

Applicant's arguments filed 9/12/2005 have been fully considered but they are not persuasive. The applicant argues that the use of "design choice" for specific types of processing is improper. However, Mugita teach the use of information for use in a goods collection assisting method and Suzuki et al. teach the specific information necessary for an effective article recycling system. How and where the information is stored and processed is a design choice as processing and accessing data is well known in the art.

Applicant further argues that Mugita does not disclose or suggest any specifics as to how to effectuate an exchange of goods in a manner that is efficient for business entities. However, this is not convincing because Mugita precisely suggests effectuating an exchange of goods (See for example the figures on pages 61-63) and "efficiency" is a relative term. Further, Suzuki et al. suggest efficiency in Col. 1, line 65 through Col. 2, line 3, in that an object of the invention is "deciding methods of realizing recycle processings proper for various discarded articles by making it possible to collect, process and furnish speedily a variety of information required for the

processings or treatments of the discarded articles, to thereby reduce the amount of wastes and make the much of limited fossil fuel resource".

The limitations in the claims are anticipated by the combination of prior art.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The receptionist's phone number for the Technology center is (571) 272-3700.

Application/Control Number: 10/028,793  
Art Unit: 3627

Page 5

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

F. Zeender  
Primary Examiner, A.U. 3627  
November 23, 2005

  
F. RYAN ZEENDER  
PRIMARY EXAMINER  
11/23/05